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March 29, 2017

VIA ECF

Honorable Joel Schneider
United States Magistrate Judge
U.S. District Court - District of New Jersey
Mitchell S. Cohen Building & US Courthouse
1 John F. Gerry Plaza, Courtroom 3C
4th and Cooper Streets
Camden, NJ 08101

**Re: In re Benicar (Olmesartan) Products Liability Litigation
MDL No. 2606**

Dear Judge Schneider:

I am writing on behalf of Plaintiffs pursuant to the Court's March 13, 2017 Memorandum Opinion and Order. Enclosed herewith are the Affidavits of Stephen M. Lagana, M.D. and Benjamin Lebwohl, M.D., addressing the issues as directed by the Court, specifically establishing that these physicians are not "in possession, custody or control of the requested records." The Affidavits attach a letter from the Columbia University Office of the General Counsel confirming that Dr. Lebwohl and Dr. Lagana are not in possession, custody, or control of the records, and do not have the authority or right to produce the medical records.

The Affidavits also clearly identify the custodian of the records, Columbia University, and sets forth the specific requests that would be made in a subpoena in order for the doctors to be able to identify records if subpoenaed. Based upon the content of the Affidavits, Plaintiffs will place on the Agenda for next week's conference a request that an Order be entered directing Defendants to serve appropriate subpoenas upon Columbia University if they truly wish to obtain the records discussed in the depositions.

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Thank you for Your Honor's courtesies and consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Adam M. Slater', with a long, sweeping horizontal stroke extending to the right.

ADAM M. SLATER

AMS/lat
Enclosures
cc: All Counsel (via ECF)